

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Thomas E. Robertson, # 97244-071,	)	C/A 4:05-3549-RBH
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
Evercom Systems Inc.; Dennis L. Whipple (Personally	)	
and as President and C.E.O. of Evercom Systems,	)	
Inc.);County of Lexington, South Carolina (o/b/o The	)	
Lexington County Detention Center);County of	)	
Darlington, South Carolina (o/b/o The Darlington	)	
County Detention Center);County of Dillon, South	)	
Carolina (o/b/o The DillonCounty Detention Center;	)	
Pay Tell Communications, Inc.;John Vincent	)	
Townsend (Personally and as President of Pay Tel	)	
Communications, Inc.); County of Florence, South	)	
Carolina (o/b/o The Florence County Detention Center;	)	
County of Spartanburg, South Carolina (o/b/o	)	
Spartanburg County Detention Center); Williamsburg,	)	
South Carolina (o/b/o the Williamsburg County	)	
Detention Center); Sprint Payphone Services, Inc.;	)	
State of South Carolina Budget & Control Board; and	)	
State of South Carolina Department of Corrections,	)	
	)	
Defendants.	)	

---

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo

determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The Plaintiff filed no objections to the Report and Recommendation. However, before the Report was entered, he filed a letter indicating that he does not wish to proceed with the case. The Magistrate Judge treated the letter as a request for a voluntary dismissal of the action and recommended that the case be dismissed without prejudice. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Rogers' Report and Recommendation and incorporates it herein. It is therefore

**ORDERED** that this case is hereby dismissed without prejudice under Fed. R. Civ. P. 41(a)(2).

**IT IS SO ORDERED.**

s/ R. Bryan Harwell  
\_\_\_\_\_  
R. Bryan Harwell  
United States District Judge

Florence, South Carolina  
October 19, 2006